

Appl. No. 10/787,289
Atty. Docket No. 4272 / Z-3450
Response dated July 11, 2006
Reply to Notice of Non-Compliant Amendment of July 5, 2006
Customer No. 27752

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REMARKS

Claim Status

Claims 1-2 and 4-18 are pending in the present application. No additional claims fee is believed to be due.

Claims 3 and 19 are canceled without prejudice.

Claim 1 has been amended to change the elongated guard strip to consist of a shaving aid for delivering a shaving aid parallel to said cutting edge. Support for the amendment is found at page 3, lines 9-10 of the specification.

Claims 13, 15 and 16 have been amended to delete dependency from canceled claim 3.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Matter of Non-Compliance

Claim 14 was identified as not being in proper form in the previously submitted response of April 11, 2006. The status of Claim 14 has been changed to "Previously Presented" to be in accord with claim as presented in the listing of claims filed with the response on 11/17/05 where claim 14 was amended. The language of claim 14 is also identical now with that presented in the response filed on 11/17/05. This change brings the response into compliance.

Rejection Under 35 USC §102 Over Aviza

Claims 1, 4, 10, 11, 15 and 17 have been rejected under 35 USC §102(a) as being anticipated by Aviza (2005/0126007). Claim 1 is the independent claim.

Claim 1 is novel over Aviza. Claim 1 requires that the guard include an elongated guard strip consisting of a shaving aid for delivering the shaving aid parallel to the cutting edge. The office action references element 24 of Aviza as being equivalent to the guard strip of claim 1. Element 24 of Aviza is an exfoliation member. The exfoliation member

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comprises an abrasive surface that peels off flakes or scales of dead skin. A guard strip which delivers a shaving aid is nothing like an exfoliation member which removes skin. While Aviza does disclose the option of including a shaving aid with the exfoliation member [0022], the exfoliation member is still present.

As Aviza fails to disclose each and every element of Claim 1, Aviza fails to anticipate Claim 1. Thus, Claim 1 is patentable over Aviza. Since Claims 4, 10, 11 15 and 17 all depend from Claim 1 either directly or indirectly they are also patentable over Aviza for the same reasons as Claim 1.

Rejection Under 35 USC §102 Over Andrews

Claims 1, 15 and 19 have been rejected under 35 USC §102(b) as being anticipated by Andrews (6,216,345). Claim 19 has been canceled.

Claim 1 is novel over Andrews. Claim 1 requires that the guard include an elongated guard strip consisting of a shaving aid for delivering the shaving aid parallel to the cutting edge. There is no guard strip positioned in front of the blade unit for delivering a shaving aid parallel to the cutting edge in the housing of Andrews. Andrews only discloses fins positioned on the guard in front of the blade unit. Thus, Andrews fails to disclose each and every element of Claim 1. As Andrews fails to anticipate Claim 1, Claim 1 is patentable over Andrews. Since Claim 15 depends from Claim 1 it also patentable over Andrews for the same reasons as Claim 1.

Rejection Under 35 USC §102 Over Aviza

Claims 2, 6, 15 and 18 have been rejected under 35 USC §102(a) as being anticipated by Aviza.

Claim 2 is novel over Andrews. Claim 2 requires that the guard in front of the blade include an elongated guard strip for delivering a shaving aid parallel to the cutting edge and an elastomeric material including a series of depressions. The office action makes reference to Fig. 14A for disclosure of the features of Claim 2. As can be clearly seen in Fig. 14A, the depressions of Aviza are located on the cap which is behind the blades and not on the guard which is in front of the blade unit as required by Claim 2.

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Thus, Aviza fails to disclose each and every element of Claim 2. As Aviza fails to anticipate Claim 2, Claim 2 is patentable over Aviza. Since Claims 6, 15 and 18 all depend from Claim 2 they are also patentable over Aviza for the same reasons as Claim 2.

Rejection Under 35 USC §102 Over Hawes et al.

Claims 2, 8, 9, 15 and 18 have been rejected under 35 USC §102(b) as being anticipated by Hawes et al. (2002,0029478).

Claim 2 is novel over Hawes. Claim 2 requires that the guard in front of the blade include an elongated guard strip for delivering a shaving aid parallel to the cutting edge and an elastomeric material including a series of depressions. As can be clearly seen in Figs. 6, 7 and 7A, the depressions of Hawes are located on the cap which is behind the blades and not on the guard which is in front of the blade unit as required by Claim 2. Thus, Hawes fails to disclose each and every element of Claim 2. As Hawes fails to anticipate Claim 2, Claim 2 is patentable over Hawes. Since Claims 8, 9, 15 and 18 all depend from Claim 2 they are also patentable over Hawes for the same reasons as Claim 2.

Rejection Under 35 USC §102 Over Andrews

Claims 3, 15 and 19 have been rejected under 35 USC §102(b) as being anticipated by Andrews.

Claims 3 and 19 have been canceled. Claim 15 has been amended to remove the dependency from canceled Claim 3.

Rejection Under 35 USC §103(a) Over Andrews in view of Aviza

Claims 5 and 7 have been rejected under 35 USC §103(a) as being unpatentable over Andrews in view of Aviza. This rejection is traversed. Claims 5 and 7 each depend from Claim 1 either directly or indirectly. Aviza fails to place a guard strip consisting of a shaving aid for delivering the shaving aid parallel to the cutting edge in front of the blade unit. Nowhere does Andrews disclose or suggest this missing feature. Therefore,

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the combination of Andrews and Aviza does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of Claim 1. Since Claims 5 and 7 depend from Claim 1 either directly or indirectly, the invention according to Claims 5 and 7 is unobvious and the rejection should be withdrawn.

Rejection Under 35 USC §103(a) Over Aviza in view of Gilder

Claim 12 has been rejected under 35 USC §103(a) as being unpatentable over Aviza in view of Gilder (6,298,557). This rejection is traversed. Claim 12 depends from Claim 1. Aviza fails to place a guard strip consisting of a shaving aid for delivering the shaving aid parallel to the cutting edge in front of the blade unit. Nowhere does Gilder disclose or suggest the missing feature of Aviza. Therefore, the combination of Aviza and Gilder does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of Claim 1. Since Claim 12 depends from Claim 1 the invention according to Claim 12 is unobvious and the rejection should be withdrawn.

Rejection Under 35 USC §103(a) Over Andrews in view of Gilder

Claims 13 and 14 have been rejected under 35 USC §103(a) as being unpatentable over Andrews in view of Gilder (6,298,557). This rejection is traversed. Claims 13 and 14 depend from Claim 1. Andrews fails to place a guard strip in front of the blade unit for delivering a shaving aid parallel to the cutting edge. Nowhere does Gilder disclose or suggest the missing feature of Andrews. Therefore, the combination of Andrews and Gilder does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of Claim 1. Since Claims 13 and 14 depend from Claim 1 the invention according to Claims 13 and 14 is unobvious and the rejection should be withdrawn.

Rejection Under 35 USC §103(a) Over Andrews in view of Santhagens Van Eibergen

Claim 16 has been rejected under 35 USC §103(a) as being unpatentable over Andrews in view of Santhagens Van Eibergen (6,671,961). This rejection is traversed. Claim 16 depends from claim 1. Andrews fails to place a guard strip in front of the blade

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unit for delivering a shaving aid parallel to the cutting edge. Nowhere does Santhagens Van Eibergen disclose or suggest the missing feature of Andrews. Therefore, the combination of Andrews and Santhagens Van Eibergen does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of Claim 1. Since Claim 16 depends from Claim 1 the invention according to Claim 16 is unobvious and the rejection should be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC §102 and 35 USC §103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-2 and 4-18 is respectfully requested.

Respectfully submitted,

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By


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Date: July 11, 2006
Customer No. 27752